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EXAMINER

SONG, DAEHO D

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/580,800	<b>Applicant(s)</b> SACHELL, CHRISTINE	
	<b>Examiner</b> DAEHO D. SONG	<b>Art Unit</b> 2175	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### ***Applicant's Response***

In Applicant's Response dated 08/28/2009, Applicant amended the Specification, amended Claims 1, 6, 12, 22 and 32, and argued against all objections and rejections previously set forth in the Office Action dated 05/28/2009.

In light of Applicant's amendments and remarks, the rejections of Claims 1-20 under 35 U.S.C. §101 are withdrawn.

### ***Specification***

1. The abstract of the disclosure is objected to because there has been no indication of which portion has been amended from the original abstract. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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2. Claims 1-40 are rejected under 35 U.S.C. 102(e) as being **clearly** anticipated by Matsuda: U.S. Patent No. 7,086,005.

Matsuda **expressly** teaches:

*Claim 1. A communication system comprising: one or more computer readable mediums, comprising:*

*determining means operable to determine an attribute of a first communication device (figs 4-8; col. 15 lines 20-50: determining a telephone number of a first communication device, such as a mobile telephone);*

*identifying means operable to identify an avatar by using the attribute, wherein the avatar is such that it conveys to a viewer thereof information about a person (figs. 4-8; col. 15 lines 20-50: identifying an avatar by which the name of avatar and the telephone number are registered); and*

*communicating means operable to communicate the avatar in a virtual environment to a second communication device (figs. 4-8; col. 15 lines 5-67: communicating the avatar in a virtual environment to a second communication device, such as a second mobile telephone or a public telephone).*

*Claim 2. The communication system as claimed in claim 1, further comprising replacing means operable to replace the avatar with another avatar (fig. 11; col. 16 lines 48-65: selecting a different avatar).*

*Claim 3. The communication system as claimed in claim 2, wherein the identifying means is operable to identify the avatar by comparing the attribute to a communication device identifier that is associated with the avatar (fig. 11; col. 16 lines 48-65: identifying the avatar by different telephone number associated with the avatar).*

*Claim 4. The communication system as claimed in claim 3, further comprising recording means arranged to allow the person to record the communication device identifier (fig. 11; col. 16 lines 48-65: storing the telephone numbers associated with the name of avatar).*

*Claim 5. The communication system as claimed in claim 4, wherein the replacing means is further operable to replace the communication device identifier with another communication device identifier (figs. 11-13; col. 16 lines 48-67; col. 17 lines 10-60: selecting different name and telephone number associated with avatar).*

*Claim 6. The communication system as claimed in claim 5, further comprising selecting means operable to allow the person to select the avatar from a plurality of other avatars associated with the person (figs. 11-13; col. 16 lines 48-67; col. 17 lines 10-60: selecting a different avatar).*

*Claim 7. The communication system as claimed in claim 6, wherein the selecting means*

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*is further operable to allow the communication device identifier to be selected from a plurality of other communication device identifiers (figs. 11-13; col. 16 lines 48-67; col. 17 lines 10-60: selecting a different name and telephone number of mobile telephone).*

*Claim 8. The communication system as claimed in claim 7, wherein the determining means is operable to determine the attribute by processing caller identification data associated with the communication device (figs. 11-13; col. 16 lines 48-67; col. 17 lines 10-60: determining a different telephone number).*

*Claim 9 The communication system as claimed in claim 8, further comprising messaging means operable to create a text, an audio and/or a video message that is associated with the avatar (figs. 11-13; col. 16 lines 48-67; col. 17 lines 10-60: sending a message text).*

*Claim 10. The communication system as claimed in claim 9, wherein the avatar and the plurality of other avatars depict an activity that involves the person (figs. 1-11; col. 8 lines 20-40).*

*Claim 11 The communication system as claimed in claim 10, wherein the communication device comprises a mobile telephone and the attribute comprises a telephone number of the mobile telephone (col. 15 lines 20-50).*

*Claim 12. A communication system comprising: one or more computer readable mediums, comprising:*

*an environment support means operable to support at least one virtual environment that can be accessed by a first person (figs. 11-13; col. 16 lines 48-67; col. 17 lines 10-60: selecting a first person in the virtual world); and*

*a communicating means operable to communicate an avatar in the virtual environment to a mobile telephone handset of the first person subsequent to the first person accessing the environment, the avatar being such that it can convey to the first person information about a second person (figs. 11-13; col. 16 lines 48-67; col. 17 lines 10-60: communicating an avatar in the virtual world to the first person carrying information about a second person, such as name).*

*Claim 13. The communication system as claimed in claim 12, which the environment support means is operable to determine a level of authority associated with the second person, and provide the second person with access to the virtual environment if the level of authority is deemed appropriate (figs. 11-13; col. 16 lines 48-67; col. 17 lines 10-60: providing a level of authority associated with the second person by means of accepting or rejecting the access).*

*Claim 14. The communication system as claimed in claim 13, wherein the environment support means is operable to allow the first person to assign the level of authority (figs.*

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11-13; col. 16 lines 48-67; col. 17 lines 10-60: allowing the first person to set up the level of authority).

*Claim 15. The communication system as claimed in claim 14, wherein the environment support means is such that it allows the first person to arrange the virtual environment such that it has a desired appearance (figs. 11-14).*

*Claim 16. The communication system as claimed in claim 15, wherein the environment support means is operable to allow the first person and the second person to exchange other information via the virtual environment (figs. 11-13; col. 16 lines 48-67; col. 17 lines 10-60: sending and receiving messages each other).*

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*Claim 17. The communication system as claimed in claim 16, wherein the other information comprises multi-media content (figs. 11-14; col. 16 lines 48-67; col. 17 lines 10-60: exchanging information using communication tool, including text, image etc.).*

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*Claim 18. The communication system as claimed in claim 17, wherein the communicating means is further operable to allow the second person to control whether the avatar conveys the information to the first person (figs. 11-13; col. 16 lines 48-67; col. 17 lines 10-60: exchanging information among persons).*

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*Claim 19. The communication system as claimed in claim 18, wherein the environment*



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*support means is operable to allow the first person to access the virtual environment via a communication network, the communicating means also being operable to communicate the avatar in the virtual environment to the first person via the communication network* (figs. 11-13; col. 16 lines 48-67; col. 17 lines 10-60).

.

*Claim 20. The communication system as claimed in claim 19, wherein the information conveyed by the avatar to the first person comprises audio and/or video information* (col. 2 lines 1-10; col. 3 lines 55-65).

*Claims 21-40:*

The subject matter recited in Claims 21-40 corresponds to the subject matter recited in Claims 1-20, respectively. Thus Matsuda discloses every limitation of Claims 21-40, as indicated in the above rejections for Claims 1-20.

### ***Response to Arguments***

3. Applicant's arguments against the rejections based on 35 U.S.C. § 102 with respect to Claims 1-40 have been considered, but they are not persuasive.

Applicant argues that Matsuda discloses the term "avatar" differently, and does not convey information about people.

The examiner disagrees.

As indicated in the above rejection for Claim 1, Matsuda discloses the **avatars** representing as **animated images/icons** of people in a shared virtual space, which is same description of the specification of the instant invention on page 2.

Matsuda also teaches that those **avatars do convey personal information**, such as person's **name and phone number** (see col. 15 lines 37-49). Furthermore, if user's name is not identified, then there is no meaning to communicate each other in any community environment. In other words, when a person receives a phone call in our real world, for example, he would ask this typical question in the beginning, "Whom am I talking to?"

Applicant argues that Matsuda does not "communicate the avatar in a virtual environment to a second communication device."

The examiner disagrees.

As indicated in the above rejection for Claim 1, Matsuda discloses repeatedly that the communication system is in the virtual environment by using terms of "virtual world", "virtual space", "virtual community", "virtual conversation", "virtual creature" and "**PHS in virtual world.**" Thus it is **evidently clear** that an avatar communicates to another avatar **in a virtual environment by means of Personal Handy-phone System** (see figs. 4-14). Furthermore, applicant admits in remarks on page 11, "If one makes a call through an avatar to a real world number, the avatar is not communicated to the communication device in the real world" (emphasis added). **Thus it is a virtual world.**

***Conclusion***

**THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAEHO D. SONG whose telephone number is (571)272-7524. The examiner can normally be reached on Mon-Fri 7:30-5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on 5712724088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daeho D Song/  
Examiner, Art Unit 2175

/William L. Bashore/

Supervisory Patent Examiner, Art Unit 2175